

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

FILED BY CLERK

APR 13 2007

COURT OF APPEALS
DIVISION TWO

IN RE AARON D.

) 2 CA-JV 2006-0064

) DEPARTMENT A

) MEMORANDUM DECISION

) Not for Publication

) Rule 28, Rules of Civil

) Appellate Procedure

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. 16093801

Honorable Jane L. Eikleberry, Judge

AFFIRMED

Barbara LaWall, Pima County Attorney
By James M. Coughlin

Tucson
Attorneys for State

Salvatore Nuccio

Tucson
Attorney for Minor

V Á S Q U E Z, Judge.

¶1 Aaron D. appeals from the juvenile court's order adjudicating him delinquent for theft by control, a class two felony, and second-degree burglary, a class three felony. Following his adjudication, the juvenile court placed Aaron under Juvenile Intensive

Probation Supervision (JIPS) for a period of twelve months. Aaron seeks reversal of his adjudication on the ground the juvenile court lacked sufficient evidence to find him responsible for the alleged delinquent acts. We affirm.

¶2 We view the evidence presented at the adjudication hearing in the light most favorable to upholding the adjudication. *See In re John M.*, 201 Ariz. 424, ¶ 7, 36 P.3d 772, 774 (App. 2001). The charges here involved a residential burglary committed by three juveniles. When a neighbor who had seen three young men arrive and depart from the victim's home on the day of the burglary described the vehicle used by them, the victim recognized the vehicle as one owned by her aunt. She confronted her aunt's teenaged son, Ricardo M., who acknowledged he had participated in the burglary and later identified his two companions, one of whom was Aaron. Both Ricardo and the neighbor testified at Aaron's adjudication hearing.

¶3 We will reverse a delinquency adjudication for insufficient evidence only "if there is a complete absence of probative facts to support the judgment or if the judgment is contrary to any substantial evidence." *John M.*, 201 Ariz. 424, ¶ 7, 36 P.3d at 774. We will not reweigh the evidence. *Id.* Nor will we judge the credibility of witnesses or resolve conflicts in their testimony because such tasks are "uniquely the province of the trial court, given its ability to observe the witnesses while testifying." *In re David H.*, 192 Ariz. 459, ¶ 8, 967 P.2d 134, 136 (App. 1998).

¶4 On appeal, Aaron contends the evidence of his responsibility for the delinquent acts with which he was charged was inadequate both because Ricardo was only fourteen years old when he testified and also because Ricardo said he had entered into a plea agreement involving related allegations of delinquency in exchange for his testimony. Aaron also suggests the neighbor's in-court identification of Aaron was suspect because the neighbor first testified he had seen only glimpses of the young men's faces at the scene, but then was able to identify Aaron in court. Because these arguments go exclusively to the weight and credibility of the witnesses' testimony, we reject them.

¶5 Substantial evidence supports the juvenile court's findings. We therefore affirm Aaron's delinquency adjudications and disposition.

GARYE L. VÁSQUEZ, Judge

CONCURRING:

JOHN PELANDER, Chief Judge

JOSEPH W. HOWARD, Presiding Judge